

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

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**FILE:** B-213535**DATE:** July 26, 1984**MATTER OF:** Federal Law Enforcement Training Center--  
Use of appropriated funds to purchase membership in Chamber of Commerce**DIGEST:**

1. Federal Law Enforcement Training Center may purchase a membership in a local Chamber of Commerce upon a determination that membership in the Chamber is for the primary benefit of the Center and such membership is necessary to enable the Center to effectively carry out its mission as a training facility for law enforcement officials.
2. Director of Federal Law Enforcement Training Center may not be reimbursed for personal membership he procured in Chamber of Commerce because under authority of 5 U.S.C. § 5946, memberships in private organizations for officers or employees may not be purchased with appropriated funds except in limited circumstances. Furthermore, the Director may not be reimbursed for this membership even if converted to a membership for the Center as employees cannot create valid claims in their favor by paying obligations of the United States from their own funds except in cases of public necessity.

The Director of the Federal Law Enforcement Training Center, a bureau within the Department of Treasury, requests an advance decision on whether he may be reimbursed \$65 for a membership fee he personally paid to join the Chamber of Commerce of the community in which the Center is located. We conclude that while the Center may procure a membership from the Chamber upon a determination that a membership is necessary to carry out the statutory function of the Center, the Director may not be reimbursed for the cost of his personal membership even if converted to a membership for the Center.

The function of the Center, as stated in the submission, is to provide training to law enforcement officers employed by various Federal agencies. At any given time, approximately 1,000 students reside at the Center which is situated near Brunswick, Georgia.

The Director states that in September of 1983, he paid \$65 to obtain a personal membership in the local Chamber of Commerce. The purpose of this action, according to the Director, was not to obtain personal benefit but rather to "take advantage of a Chamber of Commerce membership for the benefit of the Center." A membership in the name of the Center was not procured at that time, however, because the Director was not certain that such expenditure was allowable. Presently, the Director is of the opinion that this expenditure would be proper. Thus, he requested our decision on this matter so that he may be reimbursed upon the conversion of his membership in the Chamber to a membership for the Center.

Several reasons were cited by the Director for this opinion that the procurement of a membership in the Chamber of Commerce by the Center would be proper. First, the information obtainable from the Chamber of Commerce would be useful for the Center's students during their non-duty hours. And second, the Center's membership in the Chamber would facilitate the Center's public affairs activities. Being the fourth largest employer in the area, the Center's activities are of interest to the local community and its leaders. Moreover, the Center, itself, has a need to be aware of and exchange information with members of the business community. The Director and various other officials would be the Center's representatives in this dissemination of information with other Chamber members.

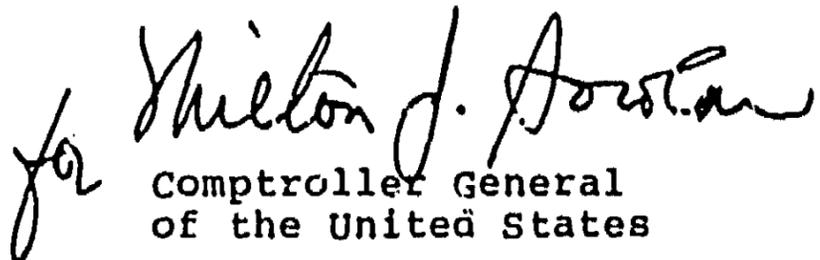
As a general rule, agencies may obtain memberships in private organizations where such membership would be of primary benefit to the agency, and where the agency determines that such membership is necessary to carry out its statutory functions. See 53 Comp. Gen. 429, 431 (1973); 24 Comp. Gen. 814, 816 (1945). Membership fees may not be obtained in the name of employees, however, unless authorized by a specific appropriation, by express terms in a general appropriation, or the membership is part of an employee training program authorized by sections 4109 and 4110 of Title 5 of the United States Code. 5 U.S.C. § 5946.

In a recent decision, 61 Comp. Gen. 542 (1982), we held that membership in a Rotary Club by the Naval Air Development Center was proper on the basis of an administrative determination that such membership was necessary to carry out the agency's mission. The reasons set forth by the Commander of the Naval installation for that membership are similar to the reasons expressed by the Director of the Center. The Commander stated that the objective of the membership in the Rotary was to provide a forum in which

officials of the installation could discuss and resolve problems with local business and civic leaders. This dialogue was needed to enable the installation to effectively carry out its mission. We concluded that the use of appropriated funds to procure a membership in the Rotary Club would be proper. We stressed however, the importance of adequate factual support for an administrative determination to join a private organization such as a Rotary Club, noting that "we have approved the expenditure only because we agree with the Center Commander's determination that participation in meetings of the Rotary is crucial to the Center effectively carrying out its mission."

The position of the Director that membership in the local Chamber of Commerce would benefit the Center and that such membership is necessary to enable the Center to effectively carry out its mission would support an administrative determination to acquire a membership in the name of the Center. The exchange of information with the local business community would appear to be useful in carrying out the mission of the Center. Furthermore, the information which can be obtained through membership in the Chamber of Commerce relating to activities provided in the local community may be useful for the recreational and social needs of the Center's students. For these reasons, we conclude that upon a determination that membership in the local Chamber of Commerce is necessary to carry out the Center's mission, appropriated funds may be used to obtain a membership.

We note, however, that under authority of 5 U.S.C. § 5946, membership may not be obtained in the name of the Director. Moreover, the Director may not be reimbursed for his membership even if converted to a membership for the Center. This Office has previously ruled that "payments must be made directly to [a] public creditor by an authorized disbursing officer of the United States out of public funds and that no officer or employee of the Government can create a valid claim in his favor by paying obligations of the United States from his own funds." 33 Comp. Gen. 20 (1953). See, 18 Comp. Gen. 424, 425 (1938). Situations involving public necessity provide an exception to this rule. However, the facts presented in this case do not demonstrate that a public necessity required the Director's expenditure. See 62 Comp. Gen. 419 (1983). Accordingly, reimbursement to the Director of the Center for \$65 is not authorized.

for   
Comptroller General  
of the United States